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GRENADA
ACT NO. 3 OF 2021

I assent,



CÉCILE E. F. LA GRENADE

Governor-General.

1st July, 2021.

AN ACT to establish a framework for non-nationals to be employed remotely in the State of Grenada.

[9th July, 2021].

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives and by the authority of the same as follows—

1. This Act may be cited as the

Short title.

REMOTE EMPLOYMENT ACT, 2021.

2. In this Act—

Interpretation.

“dependant” means—

- (a) a spouse;
- (b) a child under the age of eighteen years, being a child of the main applicant or his or her spouse;

- (c) a person in respect of whom the main applicant, or his or her spouse, is the legal guardian;
- (d) a parent or parent of his or her spouse;
- (e) a grandchild of the main applicant or his or her spouse;

“Minister” means the Minister responsible for Immigration;

“non-national” means an individual who is not a citizen of Grenada or any other OECS Protocol Member State;

“OECS Protocol Member State” means Antigua and Barbuda, Dominica, Saint Christopher-Nevis, Saint Lucia, or Saint Vincent and the Grenadines;

“permit holder” means a person to whom a remote-work permit has been granted;

“police certificate” means a statement on the status of an individual’s criminal records from the national law enforcement authority of each country in which the individual has resided during the 12-month period immediately preceding the making of an application;

“remote-work permit” means a remote-work permit granted under section 3 and, except in section 4 (1), includes a remote-work permit renewed under section 6;

“remote-work permit register” means the remote-work permit register established under section 8.

3.—(1) Notwithstanding the Foreign Nationals and Commonwealth Citizens (Employment) Act, Chapter 115, upon an application under section 4, the Chief Immigration Officer with the approval of the Minister may grant a remote-work permit to a non-national to work remotely in Grenada for a specified period in accordance with subsection (3). Remote-work permit.

(2) A remote-work permit shall be subject to the following conditions—

- (a) the permit holder and the dependants of the permit holder shall not engage in employment in Grenada other than the employment for which the permit is granted;
- (b) for the duration of the remote-work permit, the permit holder and the dependants of the permit holder shall not operate a business in Grenada or offer any service for a fee to business registered in Grenada or to any person in Grenada;
- (c) the permit holder and every dependant shall be covered by a health insurance policy valid for the duration of the remote-work permit; and
- (d) no dependant shall be enrolled in a public educational institution for the duration of the remote-work permit,

and such additional conditions as may be attached to the permit.

(3) A remote-work permit shall be valid for a period not exceeding one year, unless renewed under section 6.

(4) A remote-work permit may apply in respect of the applicant and his or her dependants.

(5) For the avoidance of doubt, subsection (2) (a) does not preclude the permit holder or a dependant from making an application for, and being issued, a work permit under the Foreign Nationals and Commonwealth Citizens (Employment) Act, Chapter 115.

Application for
permit.

4.—(1) An application for a remote-work permit shall be made, to the Chief Immigration Officer, in the form set out as Schedule I, accompanied by the following—

- (a) certified evidence of a passport that is valid for the period for which the remote-work permit is intended to apply;
- (b) proof of the grant, or application for, a visa, if a visa is required for the purposes of the Immigration Act, Chapter 145 and the Passport Act, Chapter 226;
- (c) proof of an actual annual income of not less than EC\$100,000.00 generated outside of Grenada, and proof that the actual income is intended to continue for the period for which the remote-work permit is intended to apply;
- (d) proof of a health insurance policy valid for the period for which the remote-work permit is intended to apply;
- (e) a police certificate; and
- (f) the fee prescribed in Schedule II.

(2) An application under subsection (1) may be in respect of the main applicant and his or her dependants.

(3) In respect of any dependant included in an application, paragraphs (a), (b), (d) and (f) of subsection (1) shall apply and the main applicant shall provide evidence of the relationship of the dependant to the main applicant.

(4) In respect of a dependant included in an application who is over the age of sixteen, paragraph (e) of subsection (1) shall apply.

5.—(1) A permit holder shall, within 7 days and in writing, notify the Chief Immigration Officer if— Modification of permit.

- (a) the permit holder has been notified that his or her employment will be terminated prior to the expiration of the remote-work permit; or
- (b) there has been a change in any of the information provided in the application form.

(2) Where the Chief Immigration Officer receives notification for the purposes of subsection (1), the Chief Immigration Officer with the approval of the Minister may modify the remote-work permit or give notice of the application of section 7 (1) (e) or (3), as the case may be.

6.—(1) Not less than 30 calendar days prior to the expiration of a remote-work permit, the permit holder may make an application in writing to the Chief Immigration Officer, accompanied by— Renewal of permit.

- (a) certified biodata page of a passport that is valid for the additional period;
- (b) proof of a valid visa for the additional period, if a visa is required for the purposes of the Immigration Act, Chapter 145 and the Passport Act, Chapter 226;
- (c) proof of an actual annual income of not less than EC\$100,000.00 generated outside of Grenada during the period of the remote-work permit, and proof that the income is intended to continue for the additional period;
- (d) proof of a health insurance policy valid for the additional period; and
- (e) the fee prescribed in Schedule II,

for the remote-work permit to be renewed for a period not exceeding one year.

(2) Notwithstanding the Foreign Nationals and Commonwealth Citizens (Employment) Act, Chapter 115, upon an application under subsection (1), the Chief Immigration Officer, with the approval of the Minister, may renew a remote-work permit in accordance with section 3 (3).

(3) Renewal of a remote-work permit may be subject to the same conditions or varied conditions, which shall in every case include the conditions set out in paragraphs (a) to (d) of section 3 (2).

(4) An application under subsection (1) may be in respect of the main applicant and his or her dependants.

(5) In respect of any dependant included in an application, paragraphs (a), (b), (d) and (e) of subsection (1) shall apply.

7.—(1) The Minister may revoke a remote-work permit, Revocation of permit.
if—

- (a) the permit holder or a dependant included on the permit breaches a condition attached to the permit;
- (b) the permit holder provided or provides false information, made or makes a misrepresentation or omitted or omits facts in an application under section 4 (1) or 6 (1);
- (c) the permit holder provided or provides a false document to accompany an application under section 4 (1) or 6 (1);
- (d) the permit holder or a dependant included on the permit is charged with a criminal offence under any enactment; or
- (e) the permit holder is terminated from his or her employment prior to the expiration of the remote-work permit.

(2) The revocation of the remote-work permit may be in respect of—

- (a) the permit holder and every dependant included on the permit; or
- (b) a specified dependant included on the permit.

(3) The Minister may revoke a remote-work permit in respect of a dependant included on the permit if the dependant ceases to qualify as a dependant of the permit holder.

(4) Without prejudice to section 26 of the Immigration Act, Chapter 145, a notice of revocation of a remote-work permit shall be in writing and shall be served on a permit holder at least seven calendar days before the notice is intended to take effect.

Remote-work permit register.

8.—(1) There is hereby established a remote-work permit register.

(2) The remote-work permit register shall contain such information as may be determined by the Minister.

(3) The remote-work permit register shall be maintained by the Chief Immigration Officer.

Exemption from specified taxes.

9.—(1) For the avoidance of doubt, no income tax is payable in respect of any income generated by the non-national, or his or her dependant, outside of Grenada in accordance with this Act.

(2) Notwithstanding the Customs Act, 2015 and the CARICOM Common External Tariff, 2014, a permit holder is entitled to the conditional duties exemptions set out in Schedule III.

Presumption of non-residence.

10. For the avoidance of doubt, a permit holder and his or her dependants are deemed to not be resident for the purposes of—

- (a) the Representation of the People Act, Chapter 286A;

(b) the Citizenship Act, Chapter 54A; and

(c) the Immigration Act, Chapter 145.

11. The Minister may by Order amend a schedule.

Amendment of
schedules.

SCHEDULE I

Application Form for Remote-work Permit

Ensure that the information you have provided is true and correct. If you submit false statements or omitted information requested in this form, your application could be declined. If it is found later that you provided false or incorrect information, the remote-work permit may be revoked.

Full name (Mr/Mrs/Miss):

Sex: ☐ Male ☐ Female

Marital/Relationship Status:

☐ Married ☐ Divorced ☐ Single ☐ Widowed

Date of Birth (DD/MM/YYYY):

Country of Birth:

Country of Citizenship:

Former Nationality (if applicable):

Permanent Address:

.....

Telephone No.:

Email address:

Passport Details:

Passport Number: Date of Issue:

Country of Issue: Date of Expiry:

Proposed Date of Entry (DD/MM/YYYY):

Proposed Date of Departure (DD/MM/YYYY):

Intended Address in Grenada:

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Type of Accommodation:

☐ Hotel ☐ Guest House ☐ Private Home

☐ Apt/Villa ☐ Other

Description of Nature of Business:

Name of Employer:

Job Title:

Annual Income:

Description of Duties:

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Dependants:

1. Full name:

Date of Birth (DD/MM/YYYY):

Relationship to main applicant:

Passport Number: Date of Issue:

Country of Issue: Date of Expiry:

2. Full name:

Date of Birth (DD/MM/YYYY):

Relationship to main applicant:

Passport Number: Date of Issue:

Country of Issue: Date of Expiry:

3. Full name:

Date of Birth (DD/MM/YYYY):

Relationship to main applicant:

Passport Number: Date of Issue:

Country of Issue: Date of Expiry:

Applicant's Declaration

I hereby certify that the information given by me in this application is true and correct to the best of my knowledge. I understand and agree that any false information, misrepresentation, or omission of facts in this application and the application process, may be justification for refusal of entry or revocation of status.

I hereby declare that I, and my dependant(s), shall not accept any employment from or offer any services to a citizen, permanent resident, immigrant, work permit holder, or any person or undertaking conducting business within Grenada.

Signature: Date:

SCHEDULE II

(sections 4 (1) and 6 (1))

Fees

1. Application fee for individual	US\$1,500/EC\$4,050
2. Application fee for individual and up to 3 dependants	US\$2,000/EC\$5,400
3. Application fee for every additional dependant	US\$200/EC\$540
4. Renewal fee for individual	US\$1,400/EC\$3,780
5. Renewal fee for individual and up to 3 dependants	US\$1,900/EC\$5,130
6. Renewal fee for every additional dependant	US\$200/EC\$540

SCHEDULE III

(section 9 (2))

List of Conditional Duties Exemptions

1. Household effects, admitted as such by the Comptroller of Customs, not exceeding a c.i.f. value of EC\$75,000.00, which are for his or her personal use and not for sale or exchange, provided—
 - (i) the items are accompanied by the person importing them; or
 - (ii) are imported within three months before or after the person's arrivals in Grenada or within such further period, as the Comptroller of Customs considers reasonable if the articles would have been exempted from duty had they accompanied the person importing them.
2. 100% remission of duty in respect of one motor car or other vehicle of tariff heading 87.03 of the CARICOM Common External Tariff, 2014 principally designed for the transportation of persons excluding maxi-taxi and similar vehicles—
 - (i) is accompanied by the person importing it; or is imported within three months before or after the person's arrival in Grenada or within such further period as the Comptroller of Customs considers reasonable if the vehicle would have been exempted from duty if it had accompanied the person importing it, and
 - (ii) is not sold, lent, hired, exchanged or otherwise disposed of before 30 calendar days prior to the expiration of the remote-work permit.

Passed by the House of Representatives this 21st day of May, 2021.

ANDREW AUGUSTINE

Clerk to the House of Representatives.

Passed by the Senate this 2nd day of June, 2021.

ANDREW AUGUSTINE

Clerk to the Senate.

GRENADA